IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-12-2007

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

W.P.No.19293 of 1999

C.Prema .. Petitioner.

Versus

1.The State of Tamilnadu
represented by its Secretary to Government,
Housing and Urban Development Department,
Fort St.George, Chennai-600 009.

2.The Special Tahsildar (L.A.),
Housing Scheme Unit I,
Coimbatore-18.

3.The Chairman,
Tamil Nadu Housing Board,
Chennai-600 035. .. Respondents.

Prayer: This writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the entire records pertaining to Sec.4(1) Notification made in G.O.Ms.No.495, Housing and Urban Development Department L.A.3(2), dated 14.11.1996, Tamilnadu Government Gazette Published, dated 18.12.1996 and Sec.6 declaration made in G.O.Ms.No.442 Housing and Development Department L.A.3(2), dated 23.12.97 in Tamilnadu Government Gazette published, dated 24.12.97, on the file of the first respondent herein and quash the same as illegal, arbitary and without jurisdiction in so far as the petitioners land is concerned comprised in S.No.5/2A of Vallainaikinar Village, Coimbatore District.

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For Petitioner : Mr.N.Ishtiaq Ahmed

For Respondents : Mr.V.Manoharan
Government Advocate (R1 & R2)

Mr.Girirajan (R3)

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O R D E R

The above writ petition has been filed challenging the land acquisition proceedings initiated under the Land Acquisition Act, 1894, relating to the lands comprised in S.No.5/2A in Vellakinar Village, said to be belonging to the petitioner.

2. The main contention of the petitioner is that after the petitioner had submitted her objections for the Section 4(1) notification, she has not been given an opportunity of hearing. It has also been submitted that Section 6 declaration was made in G.O.Ms.No.442, Housing and Development Department L.A.3(2), dated 23.12.97, published on 24.12.1997, beyond one year from the date of Section 4(1) notification made in G.O.Ms.No.495, Housing and Urban Development L.A.3(2), dated 14.11.1996, published on 18.12.96.

3. The learned counsels appearing on behalf of the respondents had submitted that the petitioner had submitted her objections for the Section 4(1) notification beyond 30 days and as such it is impermissible under law. It has been pointed out that by an order, dated 5.2.2004, made in W.P.No.19561 of 1999, arising under similar circumstances, this Court had dismissed the writ petition following the decision made in Chief Executive Officer, CMDA, Egmore, Vs. Sakunthala and others reported in (2000 WRL 779) and in The Executive Engineer & Admn. Officer, Etc., Vs. S.Govindaraj and others reported in (2004(1) LW 43), holding that even if there is violation to Rule 3-B of the Rules and the respondents had not conducted an enquiry on the basis of the objections submitted by the petitioner, it is well settled that if the objections had not been filed by the land owner, within the stipulated time of 30 days from the date of the notification, under Section 4(1) of the Act, taking the last date of publication of the notice as the relevant date, the acquisition authority is not obliged to hold an enquiry on such objection. In view of the above, it is clear that the failure on the part of the land owner to prefer an objection within the time prescribed by law disentitles her to challenge the acquisition proceedings.

Therefore, the writ petition stands dismissed. No costs.

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Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

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The State of Tamilnadu
Housing and Urban Development Department,
Fort St.George, Chennai-600 009.

2.The Special Tahsildar (L.A.),
Housing Scheme Unit I,
Coimbatore-18.

3.The Chairman,
Tamil Nadu Housing Board,
Chennai-600 035.

+ 1 cc to the M/s. N. Ishtiaq Ahmed, Advocate SR No. 71778
+ 1 cc to the Government Pleader, SR No.71958

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MS(CO)
SR/23.1.2008

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